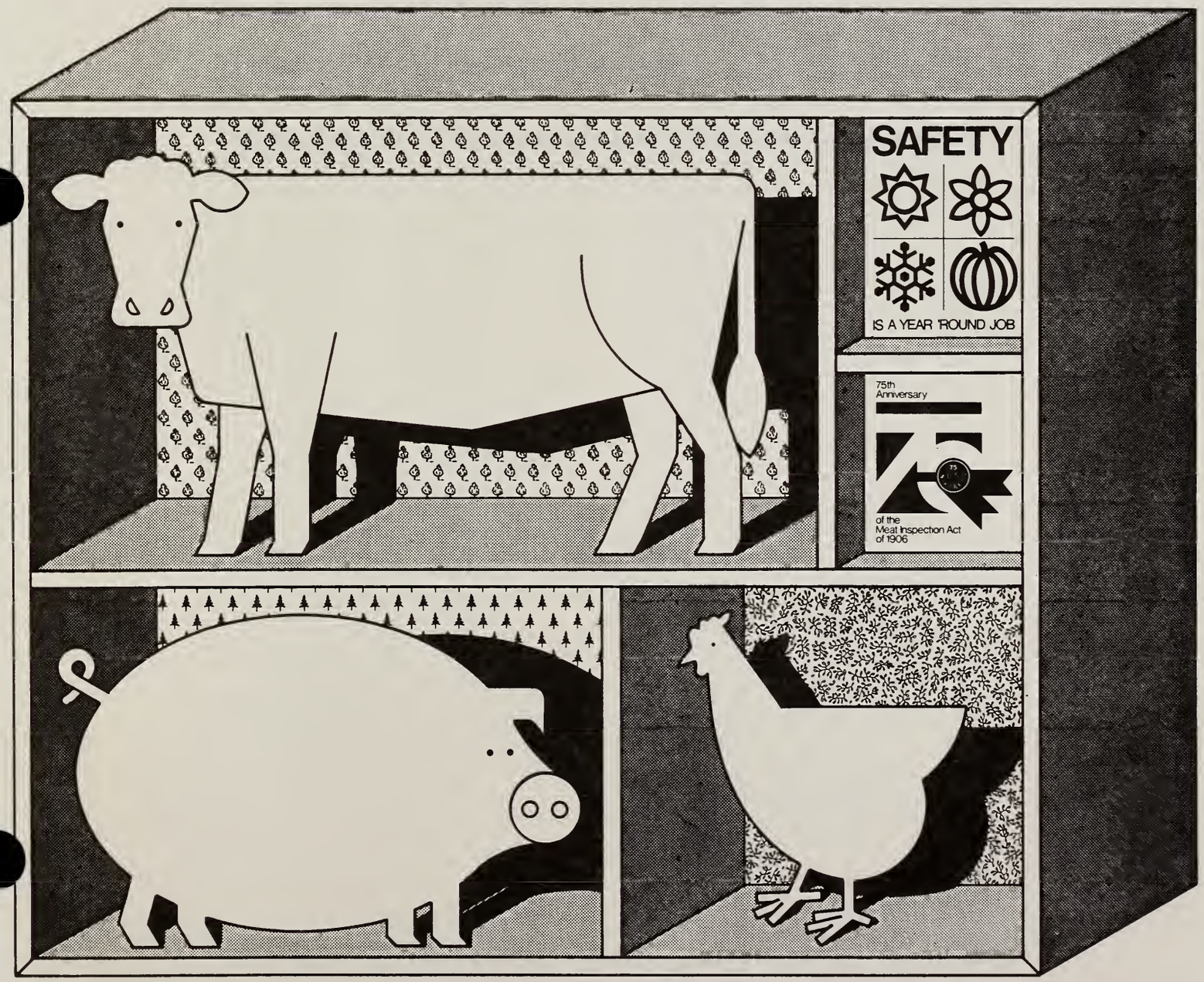
United States
Department of
Agriculture

Food Safety
and Inspection
Service

Meat and Poultry
Inspection
Program

October 1983

Issuances of the Meat and Poultry Inspection Program



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Federal Register
Vol. 48, No. 196
Friday, October 7, 1983

Food Safety and Inspection Service

9 CFR Parts 350 and 362

[Docket No. 83-026N]

Reimbursable Services for Export Inspection and Certification; Notice of Policy

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Rule related notice.

SUMMARY: Ths notice reiterates the policy of the Food Safety and Inspection Service (FSIS) regarding reimbursable services for export inspection and certification of meat and poultry products. This is necessary in order to advise exporters that, due to an increasing demand for special inspection requirements being placed by importing countries upon U.S. meat and poultry products destined for export, their costs for qualifying such products for export could increase.

FOR FURTHER INFORMATION CONTACT: Mr. L. G. Skufe, Director, Resource Management and Analysis Staff, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. (202) 447-5261.

SUPPLEMENTARY INFORMATION: Mandatory inspection by U.S. Government inspectors of meat and poultry slaughtered and/or processed at official establishments is provided for under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*). Such inspection is required to ensure the safety, wholesomeness, and proper labeling of meat and poultry products, and the ordinary costs of providing for it are borne by the Government. However, other than ordinary costs for these inspection services may be incurred to accommodate the business needs of particular establishments; i.e., furnishing services on official holidays or on an overtime basis. These costs are recoverable by FSIS, and are set forth in § 307.5 of the Federal meat inspection regulations (9 CFR 307.5) and § 381.38 of the poultry products inspection regulations (9 CFR 381.38).

From time to time, special inspection requirements are placed by importing countries upon meat and poultry products that are not within the scope of mandatory inspection, such as those to meet certain religious or foreign importers' specifications. Therefore, FSIS also provides a range of voluntary inspection and certification services, the costs of which are totally recoverable by FSIS. These services are provided under Subchapter B of FSIS regulations, Voluntary Inspection and Certification Service of Meat and Poultry (9 CFR Part 350 *et seq.*), and assist in the marketing of various animal products and byproducts not covered under mandatory inspection.

Sections 350.3 and 362.2 of Subchapter B (9 CFR 350.3 and 362.2) describe, in part, the certification services available for any person intending to export meat or poultry products. The fees charged for these services, as well as other voluntary services, are set forth in §§ 350.7(c) and 362.5 (9 CFR 350.7(c) and 362.5(c)).

There appears to be an increase in the number of special inspection requirements being placed by importing countries upon U.S. meat and poultry products that are to be exported. By this notice, FSIS is emphasizing to exporters that the cost of meeting these requirements is the exporter's responsibility, and that any increased inspection cost required to make products eligible for export will be passed on to the exporter requesting these services.

Done at Washington, DC, on October 3, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-27384 Filed 10-6-83; 8:45 am]
BILLING CODE 3410-DM-M

Minimum percent reduction of micro-organisms in treated water	Minimum percent light transmission in treated water	Gallons of reconditioned water to replace 1 gallon of fresh water
60	60	1.75
70	70	1.50
80	80	1.35
90	80	1.25
98	80	1.10

Requests for approval must include:

(A) Information specifying the equipment, as approved under § 381.53, materials, and conditions of use incident to the system. Items which must be so specified include filters; rate of flow; pressures and/or vacuums required for suitable operation; point of exit from the chilling units of water to be reconditioned; point of entry into the chilling units of the reconditioned water; frequency of filter changes, back-flushing, or other system restoration; post-filter treatment; and any other condition the alteration of which could affect the effectiveness of reconditioning; and

(B) Data demonstrating that reconditioning results in achieving and maintaining throughout the operating shift at least a 60 percent reduction in total micro-organisms, that such reduction relates within ±10 percentage points to a similar reduction in any *coliforms,* [1] *Esherichia coli* [2] and/or *Salmonella spp.* [3] that may be present; and that light transmission of the treated water is maintained throughout the operating shift at no less than 60 percent of that of the fresh water supply.

* * * * *

Done at Washington, D.C. on September 1, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-25239 Filed 9-14-83; 8:45 am]

BILLING CODE 3410-DM-M

[1] Five tube most probable number (MPN) following procedures in Microbiology Laboratory Guidebook, FSIS, USDA, January 1974, Section 3.4 using 5 replicate tubes of each dilution; and computed using standard MPN tables.

[2] Five tube most probable number (MPN) using procedure in Microbiology Laboratory Guidebook, FSIS, USDA, January 1974, Section 3.5 using 5 replicate tubes of each dilution; and computed using standard MPN tables.

Federal Register

Vol. 48, No. 180

Thursday, September 15, 1983

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 83-013P]

Chiller Water Reuse

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would amend the Federal poultry products inspection regulations to permit operators of poultry processing establishments the option, if specific controls are maintained, of reducing the amount of fresh water intake required for continuous poultry chillers. Owners or operators of poultry establishments desiring to use water reconditioning in their chilling systems could request that the Administrator evaluate their systems to determine whether they can operate using a reduced fresh water intake plan. Implementation of the proposed regulation should help conserve fresh water without resulting in increased costs or threatening the wholesomeness of the product.

DATE: Comments must be received on or before November 14, 1983.

ADDRESS: Written comments to: Regulations Office, Attention: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Oral comments regarding the proposal may be directed to Dr. John C. Prucha, (202) 447-3219. (See also "Comments" under **SUPPLEMENTARY INFORMATION.**)

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Meat and Polutry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3219. Copies of the Department's DE Filtration test results and the footnoted materials are available for inspection in the Regulations Office or may be obtained by contacting Dr. Prucha.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291, nad has been determined not to be a "major rule." The proposed rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The proposed rule would place no additional requirements on the poultry processing industry. It would provide an alternative processing method which would result in less water and energy use, and a reduced burden on private and municipal effluent disposal facilities, while maintaining sanitary conditions that are at least as effective as those provided under current procedures. The option would benefit the public by reducing the stress on available water supplies, by reducing the discharge into the environment of waste matter which taxes existing treatment facilities, and by placing less demand on declining energy sources. Further, costs related to water use, chilling, and disposal would be reduced.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). The proposal places no new requirements on the poultry industry. It should allow processors to reduce the costs associated with high water consumption and disposal.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments should be submitted in duplicate to the Regulations Office and should reference the docket number appearing in the heading of this document. Any person desiring an opportunity to make an oral presentation should contact Dr. Prucha so that the appropriate arrangements may be made. Transcripts will be made of all such presentations. All comments will be available for inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Freshly slaughtered poultry is cooled immediately after slaughter to prevent spoilage. The chilling is generally accomplished by immersing the carcasses in large tanks of chilled water so that the internal temperature is

reduced to 40° F. within a specified time period (9 CFR 381.66(b)(1)). The movement of the chilled water over the carcass is designed to aid the transfer of heat from the carcass surfaces. The purpose of the system is to reduce the temperature of the carcass, not to clean it. The poultry carcasses are already washed and considered ready-to-cook before they enter the chilling system.

The carcasses do, however, carry some bacteria which are washed off by the water movement of the chilling system. This rinsing action of the chilling system, if allowed to continue without intervention, would result in ever-increasing numbers of bacteria in the chill water. As those numbers increase, the rinsing action of the water would become less and less effective, and eventually would actually become a contaminating influence. To prevent this, the regulations require the addition of a certain amount of fresh water for each incoming carcass. As fresh water enters the chilling system, microbe laden water is discharged. The incidental washing effect of the chilling system water and the continual addition of fresh water to the system have been shown to reduce the bacterial level on the carcasses and to increase shelf-life.

The amount of fresh water which must be added to the chilling system is determined on a per carcass basis (9 CFR 381.66(c)(2)(ii)). At the time these levels (1 gallon per turkey, ½ gallon per fryer chicken) were established, water supplies seemed limitless, and the disposal of this water did not appear to be a problem. However, water has since become a scarce resource in many places, and the disposal of large amounts of waste water is of economic and environmental concern.

Prior Action

The Department published a proposed rule (43 FR 14043) in April 1978, that would have lowered the presently required amount of fresh water intake in continuous poultry chillers by 50 percent, provided the incoming water contained 20 parts per million (ppm) available chlorine. This was based, in part, on work performed at the Virginia Polytechnic Institute and State University (VPI) which indicated that fresh water intake levels could be lowered by 50 percent with no significant effect on the wholesomeness of the poultry or that of the chill media. Subsequent to VPI's study, the Department undertook field studies to determine if the required water intake levels could be adjusted. The field studies concentrated on the relationship of water intake with the microbiological quality of the poultry and that of the chill media. The results of the field studies showed that the bacteria remaining on representative carcasses that had been removed from the chill tanks tended to be greater when intake water was reduced. This violated the Department policy that bacteria be kept to minimal levels.

The Department was aware of the well documented bactericidal properties of chlorine on bacterial cells in general, and on Salmonellae in particular. From this, the Department proposed a 50 percent water reduction in continuous poultry chillers if intake water included 20 ppm available chlorine.

Commenters to the 1978 proposal contended that it was not in the best interest of consumers. One commenter stated that "* * * the proposal would depreciate the protection afforded consumers as the increased potential for cross contamination resulting from a reduction in water-flow would not be offset by the use of 20 ppm chlorinated water * * *" and "* * * the spread of Salmonellae between birds would be encouraged and the mandatory use of chlorine at ingoing concentrations fo 20 ppm would have little effect upon the increased concentration of Salmonellae * * *."

As a result of concerns over the efficacy of the 20 ppm chlorine proposal, the rule was never finalized, but neither has it been withdrawn. This is not an attempt to withdraw that proposal as experimental work may still be conducted to demonstrate its validity. This is a new proposal that incorporates another approach for reducing the amount of the fresh water intake required for continuous poultry chillers.

Proposal

The Department has continued to examine ways of reducing fresh water requirements. For example, the Department has investigated the use of diatomaceous earth (DE) filters for the removal of organic matter from poultry chiller water. Diatomaceous earth filtration of chiller water was first studied in 1978 by the Environmental Protection Agency which reported that DE filtration was successful in removing bacteria from chiller water.

At the suggestion of a turkey processor, the Department conducted additional tests of DE filtration, in cooperation with that processor and the National Turkey Federation. These tests confirmed that DE filtration is capable

of significantly reducing the bacterial level of the chiller water.

The findings have, in part, prompted issuance of this proposal. It would allow a reduction in the amount of fresh water intake required in continuous poultry chillers, provided the remaining intake is supplemented by reconditioned chiller water of such quality and at such volumn to assure that the bacerial load on the carcasses exiting the system will not be greatler than under the current intake requirements. Additionally, the proposal includes a margin to accommodate an approximate 10 percent variability in the efficacy of the treatment. While this factor is intended to provide a margin for potential variability in a chilling system at any given time, it in fact would have the added effect of causing a cumulative reduction in the microbial content of the chiller water greater than that achieved by the existing fresh water replacement requirement.

As previously mentioned, the proposal is based on tests conducted utilizing DE filtration, but the type of water reconditioning treatment to be used is not specified. However, the proposal would require that a proposed and tested treatment attain a minimum of at least a 60 percent reduction in micro-organisms, and the maintenance of light transmission of no less than 60 percent of that of fresh water. The Department's tests of a DE filtration system demonstrate that this is an achievable result.

Under this proposal, as the efficacy of the water treatment increases, the amount of treated water required to permit a reduction of a gallon of fresh water decreases. At the minimum approval level (60 percent reduction in micro-organisms and 60 percent light transmission) 1.75 gallons of treated water would be required to permit a reduction of one gallon of fresh water. At a level of 90 percent reduction in micro-organisms and 80 percent light transmission, 1.25 gallons of treated water would permit a reduction of one gallon of fresh water.

The proposal would help conserve natural resources. Less fresh water would be used, and, therefore, less energy would be needed to chill the water. Additionally, because less water would be discharged, stress on effluent disposal systems would be reduced. The Department's tests have demonstrated that these economic and environmental advantages would be available without sacrificing shelf-life and product safety. Micro-organism levels in the water would be kept to a minimum by replacing fresh water with higher levels of treated water. This would result in at least as clean a chill medium as exists under the current system. In addition, use of the proposed procedure would require evidence that treatment of the chill water would be maintained throughout the operating shift.

List of Subjects in 9 CFR Part 381

Poultry and poultry products, Chiller water.

Accordingly, the Federal poultry products inspection regulations (9 CFR Part 381) would be revised to read as follows:

PART 381—[AMENDED]

1. The authority citation for Part 381 is as follows:

Authority: Sec. 14, Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962, (7 U.S.C. 450); and subsection 21(b), Federal Water Pollution Control Act, as amended by Pub. L. 91-224 and by other laws (33 U.S.C. 1254).

2. Section 381.66(c)(2) (9 CFR 381.66(c)(2)) would be amended by adding a new paragraph (vi) to read as follows:

§ 381.66 Temperatures and chilling and freezing procedures

* * * * *

(c) * * *

(2) * * *

(vi) Any owner of operator of an official establishment desiring to utilize a chilling system which includes water reconditioning may request the Administrator to evaluate the system to determine whether a reduction in fresh water intake requirements will be permitted: Provided, that the equipment related to the systems has been approved under § 381.53 of Subpart H of this subchapter, that operation of the system results in full compliance with the Act and this subchapter, and that the system permits effective and efficient monitoring. The Administrator shall approve requests in accordance with the following standard:

UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Inspection Service
Meat and Poultry Inspection
Washington, D.C. 20250

Meat and Poultry Inspection Manual

Date: October 1983

MAINTENANCE INSTRUCTIONS

Remove Page	Insert Page	Numbered

There are no manual changes this month.

PEN AND INK CHANGES

Page 212, second entry, under Submittal, delete "weekly", and add "quarterly." Under Distribution, delete present information and add "DSC, MPI, FSIS, USDA, 218 Walnut Street, Room 791, Des Moines, IA 50309."

UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Inspection Service
Meat and Poultry Inspection
Washington, DC 20250

MEAT AND POULTRY INSPECTION REGULATIONS

Date: OCTOBER 1983 Change Number: 83-9/10*

MAINTENANCE INSTRUCTIONS

Remove Page	Insert Page
SUBCHAPTER A - MEAT INSPECTION REGULATIONS	
20a and 20b	20a and 20b
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25 and 26	25 and 26
47 and 48	47 and 48
61 and 62	61 and 62
SUBCHAPTER C - POULTRY INSPECTION REGULATIONS	
24a and 24b	24a and 24b

Effective Date:

Fee Increase: 10/1/83

*Includes changes for months of September and October.

basic workweek so as to consist of 5 consecutive 8-hour days Monday through Friday, excluding lunch period. The Department may depart from the basic workweek in those cases where maintaining such a schedule would seriously handicap the Department in carrying out its functions.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved; **Provided**, however, minor deviations from a daily operating schedule may be approved by the inspector in charge, if such request if received on the day preceding the day of change.

(3) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: **Provided**, That an inspector may be recalled to his assignment after completion of his daily tour under the provisions of § 307.6(b).

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an * exporter shall pay the Food Safety and Inspection Service $19.76 per hour per * Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall become a holiday.

§ 307.6 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed, at the rate established in § 307.5(a), in increments of full quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Program employee.

(§ 307.6 cont'd.)

(b) Official establishments, importers, or exporters requesting and receiving the services of a Program employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

§ 350.5 Application for service.

Any person who desires to receive service under the regulations in this part for meat or other product eligible therefor under such regulations may make application for service to the Administrator, upon an application form which will be furnished by the Administrator upon request.

§ 350.6 Denial or withdrawal of service.

(a) If any person has applied for service for meat or other product not eligible therefor under the regulations in this part, or has failed to make proper application for service or to pay fees and charges due for service furnished or to be furnished to him under the regulations in this part, or if the service cannot be furnished to any person applying therefor because of lack of available inspectors or other administrative reasons, the service may be denied to such person by the Administrator until the condition justifying such denial is corrected.

(b) Service under the regulations in this part may also be denied to any person by the Secretary for such period as he may deem proper, if it is determined, after opportunity for hearing before a proper official in the Department, that such person has been responsible for any willful misrepresentation to the Department concerning any meat or other product for which service has been requested under the regulations, in this part, or that such person has been responsible for the use without authority, or the imitation, of any marks or certificates of Federal meat inspection on or with respect to any meat or other product, or has otherwise been responsible for any fraudulent or deceptive practice with respect to such service, or that such person has interfered with or obstructed any inspector in the performance of his duties under the regulations in this part, or attempted to do so. When the Administrator determines that the public interest so requires, he may deny or withdraw service provided for in this Part, without a hearing, pending final determination of the matter. The applicant or recipient of service involved shall be notified of the Administrator's decision to deny or suspend service and the reasons therefor, in writing, in the matter prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to deny or suspend the service shall be effective upon such oral or written notification, whichever is earlier, to the applicant or recipient of service. If such notification is oral, the Administrator shall confirm such decision and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the applicant or recipient of service, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)).

§ 350.7 Fees and charges.

(a) Fees and charges for service under the regulations in this part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant of a statement as to the amount due.

(§ 350.7 continued)

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of $17.12 per hour for base time, $19.76 per hour for overtime including Saturdays, Sundays, and holidays, and $31.00 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service. Where appropriate, this time will include but will not be limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

§ 350.8 Scope and applicability of rules of practice.

The rules of practice of the Department of Agriculture in Subpart H of Part I, Subtitle A, Title 7 of the Code of Federal Regulations are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this part (9 CFR Part 350).

(23 F.R. 9982, Dec. 23, 1958, as amended at 32 F.R. 13115, Sept. 15, 1967; 35 F.R. 6856, Apr. 30, 1970)

PART 351-CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT

AUTHORITY: The provisions of this Part 351 issued under secs. 203, 205, 60 Stat. 1087, 1090; 7 U.S.C. 1622, 1624.

SOURCE: The provisions of this Part 351 appear at 40 FR 58627, December 18, 1975.

DEFINITIONS

§ 351.1 Meaning of words.

Words used in this Part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 351.2 Terms defined.

When used in this Part, unless the context otherwise requires:

(a) "Department" means the United States Department of Agriculture.

(b) "Program" means the Meat and Poultry Inspection Program of the Food Safety and Inspection Service of the Department.

(c) "Administrator" means the Administrator of the Food Safety and Inspection Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) "Circuit supervisor" means an employee of the Program assigned to supervise and perform official work in a circuit. Such employee is assigned by and reports directly to the Administrator or person designated by him.

(e) "Inspector" means an employee of the Program or a cooperating State.

(§ 351.5(c) continued)
shipping technical animal fat from the plant or facility and storing and exporting such technical animal fat, and a written description of the shipping, receiving, and inventory records maintained for technical animal fat.

(d) The Administrator will determine, on the basis of all information available to him, whether the arrangements at the plant or storage facility are such as will assure that certifications of technical animal fat will be correct, and, if so, will grant the application for certification service. An applicant will be given an opportunity to present his views prior to refusal of the service.

§ 351.6 Official number.

The Administrator will assign a certified technical animal fat plant number to each plant granted service. Such number shall be preceded by the letter "C" and be used to identify all certified technical animal fat prepared or stored by the plant.

§ 351.7 Administration of certification service program.

(a) The regulations in this Part shall be administered by the circuit supervisor for the jurisdiction in which is located the certified plant or plants for which application for certification service is made, and such assistants as may be necessary will be assigned by the Administrator.

(b) The Administrator may enter into a cooperative agreement with any recognized State for the conduct by State employees of any surveys, examinations, and other activities involved in the administration of the regulations in this Part. However, certifications under these regulations may be issued only by Program employees, as provided in § 351.3.

FEES

§ 351.8 Charges for surveys of plants.

Applicants for the certification service shall pay the Department for salary costs at $17.12 per hour for base time, $19.76 per hour for overtime, travel and per diem allowances at rates currently allowed by the Government travel regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

§ 351.9 Charges for examinations.

(a) The fees to be charged and collected by the Administrator for examinations shall be $17.12 per hour for base time and $19.76 per hour for overtime including Saturdays, Sundays, and holidays, as provided for in § 351.14, and $31.00 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

(b) Charges may also be made to cover the actual cost of travel and per diem allowance at rates currently allowed by the General Services Administration, and other expenses incurred by the Department in connection with such examinations and laboratory service.

FACILITIES AND OPERATIONS

§ 351.10 Facilities.

(a) Facilities for the preparation, identification, and storage of the technical animal fat to be certified shall be furnished and maintained by the certified plant in accordance with this section.

(b) The operator of the certified plant shall provide at the plant, rooms, compartments, and equipment needed to maintain the identity of certified technical animal fats and materials used in their preparation, and separation of such articles from other products. Such rooms, compartments, and equipment shall be conspicuously marked with the phrase "Certified Technical Animal Fat" whenever they contain these fats.

§ 351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc.; cleaning of equipment.

(a) All technical animal fat to be offered for certification under this Part and materials to be used in the preparation of such fat, and all certified technical animal fat, shall be identified and kept separate from other products from the time of receipt at a certified plant and throughout processing or handling at such plant. All wrappers and packaging shall be removed from the source materials to the fullest extent practicable before the materials are rendered at the plant.

(b) If a plant's operations are within the provisions of § 351.14(b)(3), all equipment shall be cleaned before it is used for receiving, preparation, or storage of certified technical animal fats or material to be used in preparation of such fats. Such cleaning shall be done in such manner as to prevent contamination of such certified fats or source material with materials that are unacceptable under § 351.3.

§ 351.12 Circuit supervisor to be informed when plant operates

The operator of each certified plant shall inform the circuit supervisor, in advance, when the plant's work schedule will include preparing technical animal fats for certification and identify the approximate days and hours when operations will begin and end.

§ 351.13 Inspectors to have access to certified plants at all times.

For the purpose of administering the regulations in this Part, inspectors shall have access at all times by day or night to every part of a certified plant.

§ 351.14 Processes to be supervised; extent of examinations.

(a) All processes used in the preparation of certified technical animal fats at any certified plant shall be subject to supervision by an inspector. Certified plants shall not prepare any technical animal fat for certification under the regulations in this Part, except in accordance with such regulations.

(§ 354.75 continued)

Each product for which inspection service is requested shall be so arranged so as to permit adequate determination of its class, quantity, and condition as the circumstances may warrant.

§ 354.76 Time of inspection in an official plant.

The inspector who is to perform the inspection in an official plant shall be informed, in advance, by the applicant of the hours when such inspection is desired. Inspectors shall have access at all times to every part of any official plant to which they are assigned.

REPORTS

§ 354.90 Report of inspection work.

Reports of the work of inspection carried on within official plants shall be forwarded to the Administrator by the inspector in such manner as may be specified by the Administrator.

§ 354.91 Information to be furnished to inspectors.

When inspection service is performed within an official plant, the applicant for such inspection shall furnish to the inspector rendering such service such information as may be required for the purposes of §§354.90 to 354.92.

§ 354.92 Reports of violation.

Each inspector shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the Act and the regulations in this Part of which he has knowledge.

FEES AND CHARGES

§ 354.100 Payment of fees and charges.

(a) Fees and charges for any inspection shall be paid by the applicant for the service in accordance with the applicable provisions of §§354.100 to 354.110, both inclusive. If so required by the inspector, such fees and charges shall be paid in advance.

(b) Fees and charges for any inspection service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Food Safety and Inspection Service and remitted promptly to the Service.

(c) Fees and charges for any inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 354.101 On a fee basis.

(a) Unless otherwise provided in this Part, the fees to be charged and collected for any service performed, in accordance with this Part, on a fee basis shall be based on the applicable rates specified in this section.

(§ 354.101 continued)

(b) The charges for inspection service will be based on the time required
* to perform such services. The hourly rate shall be $17.12 for base time and
* $19.76 for overtime or holiday work.

(c) Charges for any laboratory analysis or laboratory examination of rabbits under this part related to the inspection service shall be $31.00 per hour.

§ 354.105 Fees for additional copies of inspection certificates.

Additional copies, other than those provided for in §§ 354.141, 354.142, and 354.143, of any inspection certificates may be supplied to any interested party upon payment of a fee of $2.00 for each set of five or fewer copies.

§ 354.106 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Service in connection with rendering inspection service. Such charges shall include the costs of transportation, per diem, and any other expenses.

§ 354.107 Continuous inspection performed on a resident basis.

(a) Except as provided in paragraph (b) of this section, the charges for inspection of rabbits and products thereof shall be those provided for in § 354.101(b) when the inspection service is performed on a continuous year-round resident basis and the services of an inspector or inspectors are required 4 or more hours per day. When the services of an inspector are required on an intermittent basis, the charges shall be at the hourly rate provided for in § 354.101(b) plus the travel expense and other charges provided for in § 354.106.

(b) The applicant will be given credit when inspectors assigned to the applicant's official plant perform inspection for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense. The amount of such credit will be based on a formula concurred in jointly by the Departments of Defense and Agriculture.

§ 354.109 Fees or charges for inspection service performed under cooperative agreement.

Fees or charges to be made to an applicant for any inspection service which differ from those listed in §§ 354.100 through 354.107 shall be provided for by a cooperative agreement.

§ 354.110 Disposition of fees for inspection made under cooperative agreement.

Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Service.

INSPECTION PROCEDURES; ANTE-MORTEM INSPECTIONS

§ 354.120 Manner of handling products in an official plant.

(§ 355.11 continued)
reimburse the Department for salary, travel cost, per diem allowance, and the like, expended incidental to any survey of the premises for which the inspection is requested, and in connection with any review of plans which may be made.

§ 355.12 Charge for service.

* The fees to be charged and collected by the Administrator shall be $17.12 *
* per hour for base time, $19.76 per hour for overtime, including Saturdays, *
Sundays, and holidays, and $31.00 per hour for laboratory service to reimburse the Service for the cost of the inspection service furnished.

SANITATION AND FACILITIES

§ 355.13 Sanitation.

Sanitary facilities and accommodations shall be furnished by every inspected plant. Of these the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. They shall be properly lighted and ventilated and of sanitary construction. They shall be separate from the rooms and compartments in which certified products are prepared, stored or handled.

(b) Modern hand-washing basins, including running hot and cold water, soap and towels shall be placed in or near toilet rooms.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet soil lines shall not be discharged into a grease catchbasin.

(d) Properly located facilities shall be provided for cleansing utensils and hands of all persons handling or preparing any products to be certified.

(e) Equipment and utensils used for preparing any products to be certified shall be of such material and construction as will make them susceptible of being readily and thoroughly cleaned.

(f) Trucks and receptacles used for inedible materials shall be of such construction as to permit ready and thorough cleansing, shall bear a conspicuous and distinctive mark, and shall be used exclusively for handling inedible material.

(g) Rooms, compartments, places, equipment and utensils used for preparing, storing or otherwise handling any certified products, and all other parts of the inspected plant, shall be kept clean. There shall be no handling or storing of materials which creates an objectionable condition in rooms, compartments or places where certified products are prepared, stored or otherwise handled.

§ 355.14 Facilities.

Adequate facilities for the preparation and inspection of the products to be certified shall be furnished and maintained by the inspected plant. Of these the following are specifically required:

(§ 355.14 continued)

(a) A room or compartment adequately equipped for locking or sealing shall be provided for holding products prepared for certification or material used in their preparation which are identified as "U.S. retained," and such rooms and compartments shall be conspicuously marked with the phrase "U.S. retained" prominently displayed.

(b) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles including carcasses, parts of carcasses and other materials, shall be provided.

(c) Rooms or compartments adequate in size and properly equipped for holding samples of canned products prepared for certification under incubation, shall be maintained at the temperature specified in § 355.25(i).

(d) Furnished office room, including light, heat, janitor, and laundry service shall be provided rent free for the exclusive use of the inspector. These facilities shall be set apart for this purpose and provided with lockers suitable for the protection and storage of program supplies. Laundering of inspectors' outer work clothing shall be provided by the management of inspected plants.

§ 355.15 Inedible material operating and storage rooms; outer premises, docks, driveways, etc.; fly-breeding material; nuisances.

All operating and storage rooms and departments of inspected plants used for inedible material shall be maintained in clean condition, and shall be separate and apart from rooms and departments where certified products are prepared, handled, or stored. Docks and areas where cars and vehicles are loaded, and driveways, approaches and alleyways shall be properly paved and drained and the outer premises of every inspected plant shall be kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. The accumulation on the premises of any material in which flies may breed, or the maintenance of any nuisance on the premises shall not be allowed.

§ 355.16 Control of flies, rats, mice, etc.

Flies, rats, mice, and other vermin shall be excluded from inspected plants and premises.

§ 355.17 Tagging equipment "U.S. rejected."

When necessary, inspectors shall attach a "U.S. rejected" tag to any equipment or utensil which is unclean or the use of which would be in conflict with the provisions of this part. No equipment or utensil so tagged shall again be used until made acceptable under this part and until removal of the tag. Such tag shall not be removed from the equipment or utensil by anyone other than an inspector.

§ 355.18 Drawings and specifications to be furnished.

Triplicate copies of complete drawings and specifications for remodeling

(§ 362.4 (a)(2) continued)
reject an application or request for service or deny or withdraw service under this paragraph without hearing, pending final determination of the matter, when he determines that the public interest so requires. The operator or applicant of such plant shall be notified of the Administrator's decision to reject the application or request for service or to deny or withdraw such service, and the reasons therefor, in writing, in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to reject an application or request for service or to deny or withdraw the benefits of service under the Act shall be effective upon such oral or written notification, whichever is earlier, to the operator or applicant of such plant. If such notification is oral, the Administrator shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator or applicant of such plant in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(b) For correctable cause.

(1) Basis for denial or withdrawal. An application or request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person whose establishment does not meet the requirements as to premises, facilities, and equipment, and the operation thereof, prescribed in the regulations to prevent the distribution of adulterated poultry or poultry products, or who has not received approval of labeling and containers to be used at the establishment as required by the regulations.

(2) Procedure. An application or request for service may be rejected, or benefits of the service may be otherwise denied to or withdrawn by the Secretary, as provided by this paragraph, after notice and opportunity for hearing before a proper official of the Department. The Administrator may reject an application or request for service or deny or withdraw service under this paragraph without hearing, pending final determination of the matter, when he determines that the public interest so requires. The operator or applicant of such plant shall be notified of the Administrator's decision to reject the application or request for service or to deny or withdraw such service, and the reasons therefor, in writing, in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to reject an application or request for service or to deny or withdraw the benefits of service under the Act shall be effective upon such oral or written notification, whichever is earlier, to the operator or applicant of such plant. If such notification is oral, the Administrator shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator or applicant of such plant in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(c) For miscellaneous reasons. An application or a request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person, without a hearing, by the official in charge of the appropriate regional office, with the concurrence of the Regional Director (1) for administrative reasons such as the nonavailability of personnel to perform the service; (2) for the failure to pay for service; (3) in case the application or request related to birds or products which are not eligible for service under Part 362; or (4) in case the person is a partnership, corporation,

(§ 362.4(c)(4) continued)
or other person from whom the benefits of the service are currently being withheld under paragraph (a) of this section. Notice of such denial or withdrawal, and the reasons therefor, shall promptly be given to the person involved. The operator or applicant of such plant shall be notified of such decision to reject an application or request for service or to deny or withdraw the benefits of the service, and the reasons therefor, in writing, in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. Such decision shall be effective upon such oral or written notification, whichever is earlier, to the operator or applicant of such plant. If such notification is oral, the person making such decision shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator or applicant of such plant in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(d) **Scope and applicability of rules of practice**. The rules of practice of the Department of Agriculture in Subpart H of Part I, Subtitle A, Title 7 of the Code of Federal Regulations, are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this Part (9 CFR 362).

§ 362.5 Fees and charges.

(a) Fees and charges for service under the regulations in this Part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant a statement as to the amount due.

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of $17.12 per hour for base time, $19.76 per hour for overtime including Saturdays, Sundays, and holidays, and $31.00 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

(§ 381.37 continued)
than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5 1/2 hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 381.38: Provided, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of 5 consecutive 8-hour days within the administrative workweek Sunday through Saturday, excluding the lunch period; except that, when possible, the Department shall schedule the basic workweek so as to consist of 5 consecutive 8-hour days Monday through Friday, excluding lunch period. The Department may depart from the basic workweek in those cases where maintaining such a schedule would seriously handicap the Department in carrying out its functions.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take in account the efficient and effective use of inspection personnel. The work schedule must specify the workweek, daily clock hours of operation, and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving changes in the workweek or an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge if such request is received on the day preceding the day of change.

(3) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after the completion of his daily tour of duty under the provisions of § 381.39(b).

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an
* exporter shall pay the Food Safety and Inspection Service $19.76 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall be the holiday.

§ 381.39 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed at the rate eatablished in § 381.38(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Inspection Service employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of an Inspection Service employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

§ 381.40 (Reserved)

§ 381.41 (Reserved)

§ 381.42 (Reserved)

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